

Edith

Office of Legislative Liaison
Routing Slip

TO:	ACTION	INFO
1. D/OLL		✓
3. DD/OLL		✓
3. Admin Officer		
4. Liaison		
5. Legislation	✓	
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7.		
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SUSPENSE

20 March
Date

Action Off

Remarks:

Jayce 13 March
Name/Date

THOMAS K. LATIMER, STAFF DIRECTOR
MICHAEL J. O'NEIL, CHIEF COUNSEL
STEVEN K. BERRY, ASSOCIATE COUNSEL

Record

March 12, 1984

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Amendment

On Page 7 of the March 5, 1984 Discussion Draft, strike Lines 12 through 21 and insert in lieu thereof:

"(a) Sections 7362 and 7363 of this title shall not apply with respect to an individual employed by, detailed or assigned to, or applying for a position with --

"(1) the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, or the Federal Bureau of Investigation; or

"(2) the Department of Defense, the Department of State, or the Federal Emergency Management Agency, if such individual has, or will have, access to particularly sensitive classified information within special access programs created pursuant to section 4.2(a) of Executive Order 12356.

"(b) Subsection (a)(2) of this section shall have effect with respect to the use of polygraph examinations only if the head of the department or agency concerned issues regulations authorizing polygraph examinations, limited to questions designed to ascertain whether the subject of the examination has committed, is committing, or is about to commit espionage against the United States, and if such regulations require:

"(1) that the head of the department or agency concerned certifies that unauthorized disclosure of the information to which the employee, detailee or applicant will have access reasonably could be expected to result directly in the loss of --

"(A) human life;

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"(B) intelligence sources and methods which are vital to the fulfillment of U.S. national security requirements or which provide a unique capability to U.S. intelligence agencies; or

"(C) technologies, plans, and procedures vital to the strategic advantage of the United States;

"(2) that, to the extent feasible, those being considered for employment in or assignment to duties which will require access to information for which a limited polygraph examination is a condition of access shall be advised of such requirement prior to their assignment to, or selection for, such duties;

"(3) that any current employee, detailee, or assignee whose duties require access to information for which a limited polygraph examination is established as a condition of access, who refuses to take such examination, shall be denied access to such information, but shall be retained by the employing component, at the same pay and grade, or if not feasible, at same pay and grade in a position elsewhere in the department or agency;

"(4) that access to classified information shall not be denied solely on the basis of the results of an analysis of polygraph charts, unless personally approved by the head of the department or agency, in specific cases, where the information to be accessed is of such extraordinary sensitivity that access under the circumstances poses an unacceptable risk to the national security; and

"(5) that the head of each department or agency shall make annual reports to the appropriate committees of the Congress providing detailed accounts of how this authority was exercised during the previous year.